

II. Remarks

This Response addresses the Office Action mailed on June 26, 2006. A diligent effort has been made to respond to the rejections contained therein, and reconsideration and allowance is respectfully requested in view of this Response.

The Assignee initially would like to thank Examiner Ouellette for the telephonic interview conducted with the undersigned on August 10, 2006. The discussion reviewed Examiner Ouellette's response to Assignee's arguments in ¶¶86-92 and, specifically, discussed U.S. Published Patent Application No. US2004/0010517 filed by Fetherston ("Fetherston") with respect to claims with limitations directed to process documentation provided by an **external** employment law information source. With regard to Examiner Ouellette's response to Assignee's arguments in ¶¶86-92, Assignee agreed that upon reflection and consideration of the response the claims as then presented were not limited as originally argued. The Assignee then proposed to include an explicit limitation directed provision of information by an employment law information source **external** to the employer. Examiner Ouellette's believed that such claims would likely be directed to allowable subject matter over the teachings of Fetherston.

Claims 1-95 are pending in the present application. The Examiner rejected claims 1-95 under 35 U.S.C. §103(a) as obvious in view of Fetherston. Applicant respectfully traverses these rejections for at least the reasons set forth below.

Independent claims 1, 75, 90, and 94 have been amended in accordance with the telephonic interview with Examiner Ouellette. The Assignee asserts that the Fetherston fails to disclose, teach or suggest use of an employment law information source. In stark contrast, Fetherston clearly discloses use of a master database for storing compliance criteria that is populated and managed by the organization purchasing and using the system. Fetherston, ¶12. Each pending independent claim requires provision of information from an source of compliance

information **external** to the employer – the organization purchasing and using the system. This capability provides a significant advantage to the users of the claimed systems of the present application. The inventions claimed allow an external employment law information source to take on the onerous task of populating and maintaining the compliance criteria associated with employment law compliance. Fetherston leaves this burden squarely on the shoulders of the organization purchasing the described system. Fetherston, ¶12. In fact, Fetherston explicitly **teaches away** from systems where the database designer controls the relationships in the compliance database. Fetherston, ¶51. The claimed invention provides for an external law source to populate the original compliance criteria and also to maintain the criteria as employment law requirements evolve over time. For at least this reason, the Assignee respectfully requests that the Examiner withdraw the rejection of the pending independent claims. Since all the dependent claims include this same limitation by dependency, the Assignee asserts that all the dependent claims are likewise allowable and requests that the Examiner withdraw the rejection of all pending claims 1-95.

The Assignee further believes that its remaining arguments have merit; however, it need not debate them further at this time in light of the amendment herein and the arguments above. The Assignee reserves the right to reassert its remaining arguments upon appeal, in subsequent child applications and/or in legal proceedings involving any patent issuing from the present application or any child application.

III. Conclusion


For the reasons discussed above, the Assignee respectfully requests that the Examiner do the following:

1. withdraw his rejection of pending claims 1-95; and
2. allow all pending claims so that a patent containing claims 1-95 may issue in due course.

Because this paper is filed within three months of June 26, 2006, the undersigned believes that no fees are due in connection with this paper. If the undersigned is incorrect in his belief regarding this fee, the Commissioner is authorized to charge any underpayment of fees to deposit account 50-3091, ref E006.P001U1.

The Examiner is invited to contact the undersigned if such contact would assist in the further prosecution of this case.

Respectfully submitted
on September 19, 2006,
WEATHERLY KERVEN LLC


David S. Kerven
Registration No. 43,712

WEATHERLY KERVEN LLC
Customer No. 35564
Phone: 770-395-5920
Fax: 770-395-6921
E-mail: service@addipvalue.com